

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BOBBY J. BARRINGER,

Plaintiff,

vs.

**Case No.: 2:15-cv-3025
JUDGE GEORGE C. SMITH
Magistrate Judge Kemp**

**CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

ORDER

On October 20, 2016, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's statement of errors be overruled and that judgment be entered in favor of the Defendant, the Commissioner of Social Security. (*See Report and Recommendation*, Doc. 24). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 27). Defendant has replied. (Doc. 28). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff's objections primarily restate the arguments he previously asserted in the Statement of Errors, including that the Administrative Law Judge erred in failing to discuss the factors he was required to consider in determining credibility. Plaintiff argues that the Magistrate Judge erred in relying on *Tomlin v. Comm'r of Social Security*, 2015 WL 877908, *7 (S.D. Ohio March 2, 2015). Plaintiff asserts that *Tomlin* is distinguishable from his case.

The Court has carefully considered all of Plaintiff's objections, but finds that there is sufficient evidence supporting the finding that Plaintiff was not disabled. The Court agrees with the Magistrate Judge's analysis of the issues raised. The Magistrate Judge in his *Report and Recommendation* provided a well-reasoned explanation as to why the ALJ's decision should be affirmed, including specifically that there were a number of factors considered by the ALJ in assessing Plaintiff's credibility. And further that "[r]eviewing courts 'may not try the case de novo, nor resolve conflicts in evidence, nor decide questions of credibility.'" (Doc. 24, *Report and Recommendation* at 14 (citing *Garner v. Heckler*, 745 F.2d 383, 387 (6th Cir. 1984))). For the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff's objections have been thoroughly considered and are hereby **OVERRULED**. Accordingly, the *Report and Recommendation*, Document 24, is **ADOPTED** and **AFFIRMED**. Plaintiff's Statement of Errors is hereby **OVERRULED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

The Clerk shall remove Documents 24 and 27 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT